

[This text replaces similarly numbered paragraphs in the **Model Removal Unilateral Administrative Order (UAO).**]

U.S. Environmental Protection Agency

Office of Site Remediation Enforcement

August, 2001

2. Designation of Contractor, Project Coordinator, and On-Scene Coordinator

Respondent(s) shall perform the removal action itself (themselves) or retain (a) contractor(s) to perform the removal action. Respondent(s) shall notify EPA of Respondent(')(s)(') qualifications or the name(s) and qualification(s) of such contractor(s) within (X) business days of the effective date of this Order. Respondent(s) shall also notify EPA of the name(s) and qualification(s) of any other contractor(s) or subcontractor(s) retained to perform the removal action under this Order at least (X) days prior to commencement of such removal action. [Unless the removal work is being performed under emergency circumstances or is non-complex, the proposed contractor must demonstrate compliance with ANSI/ASQC E4-1994, "Specifications and Guidelines for Quality Systems for Environmental Data Collection and Environmental Technology Programs," (American National Standard, January 5, 1995), by submitting a copy of the proposed contractor's Quality Management Plan (QMP). The QMP should be prepared in accordance with "EPA Requirements for Quality Management Plans (QA/R-2)," (EPA/240/B-01-002, March 2001) or equivalent documentation as determined by EPA. Any decision not to require submission of the contractor's QMP should be documented in a memo to the site file from the OSC and the regional QA personnel. EPA retains the right to disapprove of any, or all, of the contractors and/or subcontractors retained by the Respondent(s), or of Respondent(')(s)(') choice of itself (themselves) to do the removal action. If EPA disapproves of a selected contractor or Respondent(s), Respondent(s) shall retain a different contractor or notify EPA that it will perform the removal action itself within (X) business days following EPA's disapproval and shall notify EPA of that contractor's name or Respondent(s)'s name and qualifications within (X) business days of EPA's disapproval.

3.1 Work Plan and Implementation

Within (X) days after the effective date of this Order, the Respondent(s) shall submit to EPA for approval a draft Work Plan for performing the removal action set forth above. The draft Work Plan shall provide a description of, and an expeditious schedule for, the action required by this Order. [EPA shall require preparation of a Quality Assurance Project Plan (QAPP) as part of the Work Plan except in circumstances involving emergency or non-complex removal work. The QAPP should be prepared in accordance with “EPA Requirements for Quality Assurance Project Plans (QA/R-5)” (EPA/240/B-01/003, March 2001), and “EPA Guidance for Quality Assurance Project Plans (QA/G-5)” (EPA/600/R-98/018, February, 1998).] EPA may approve, disapprove, require revisions to, or modify the draft Work Plan. If EPA requires revisions, Respondent(s) shall submit a revised draft Work Plan within (X) days of receipt of EPA's notification of the required revisions. Respondent(s) shall implement the Work Plan as finally approved in writing by EPA in accordance with the schedule approved by EPA. Once approved, or approved with modifications, the Work Plan, the schedule, and any subsequent modifications shall be fully enforceable under this Order. Respondent(s) shall notify EPA at least 48 hours prior to performing any on-site work pursuant to the EPA approved Work Plan. Respondent(s) shall not commence or undertake any removal actions at the Site without prior EPA approval.

3.3 Quality Assurance and Sampling

All sampling and analyses performed pursuant to this Order shall conform to EPA direction, approval, and guidance regarding sampling, quality assurance/quality control (QA/QC), data validation, and chain of custody procedures. Respondent(s) shall ensure that the laboratory used to perform the analyses participates in a QA/QC program that complies with the appropriate EPA guidance. Respondent(s) shall follow the following documents as appropriate as guidance for QA/QC and sampling: "Quality Assurance/Quality Control Guidance for Removal Activities: Sampling QA/QC Plan and Data Validation Procedures," OSWER Directive Number 9360.4-01; "Environmental Response Team Standard Operating Procedures," OSWER Directive Numbers 9360.4-02 through 9360.4-08; [and the Representative Sampling Guidance for soil, air, ecology, waste, and water as this information becomes finalized and available.] (*Check with Regional QA Officers for availability and location of these documents.*)

Upon request by EPA, Respondent(s) shall have such a laboratory analyze samples submitted by EPA for quality-assurance monitoring. Respondent(s) shall provide to EPA the quality assurance/quality control procedures followed by all sampling teams and laboratories performing data collection and/or analysis. Respondents shall only use laboratories that have a documented quality system which complies with ANSI/ASQC E-4 1994, "Specifications and Guidelines for Quality Systems for Environmental Data Collection and Environmental Technology Programs," (American National Standard, January 5, 1995) and "EPA Requirements for Quality Management Plans (QA/R-2)" (EPA/240/B-01/002, March 2001) or equivalent documentation as determined by EPA. EPA may consider laboratories accredited under the National Environmental Laboratory Accreditation Program(NELAP) as meeting the quality system requirements.